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Agenda item 10

# THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

## Letter dated 20 August 1993 from the Chargé d'affaires ad interim, Permanent Mission of the United States of America to the United Nations and other international organizations at Geneva, addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention Discrimination and Protection of Minorities

I am pleased on behalf of the Government of the United States of America to provide you with the information requested in your letter of 18 August, 1993,* concerning an incident that began on 29 July 1993, in Laredo, Texas, in connection with the export of goods to Cuba by a group known as the Pastors for Peace.

On 15 July the US Customs Service in Laredo, Texas, became aware from press reports that a group known as Pastors for Peace intended to cross into Mexico on 29 July for the purpose of exporting goods to Cuba. The Customs Service, charged with overseeing the movement of goods into and out of the United States, that day sent a package of materials to Reverend Lucius Walker, Jr., the group's leader, explaining the relevant procedures and inviting the group to a meeting on 28 July at the Customs office in Laredo, adjacent to the bridge crossing into Mexico, to facilitate the operation. These procedures, it is worth noting, have been followed successfully by independent donors in the United States in licensing requests valued at more than 3 million dollars during the past ten months.

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* Reproduced in document E/CN.4/Sub.2/1993/40

Even though the Pastors for Peace made no attempt to contact the United States Government concerning the proposed shipment, on 28 July the Department of Treasury, Office of Foreign Assets Control, which, in this case had authority to license humanitarian donations for export to the Martin Luther King Memorial Center in Cuba, hand delivered a letter to Reverend Walker, authorizing the Pastors for Peace to export certain humanitarian goods to Cuba. The letter also explained that permission to export other goods, not specifically authorized in the letter, would have to be formally requested.

On 29 July, Reverend Walker and 13 supporters approached the United States border crossing in Laredo, Texas, and declared their intention to export a bus loaded with humanitarian supplies to Cuba. One member of the group was 85-year-old Abe Golokow. US Customs agents informed the group that the export of a vehicle to Cuba was prohibited under United States law. When the group refused to leave the bus, the vehicle was taken with the group on board to the nearby US Customs export lot, a parking facility and loading area.

The Pastors for Peace declared that the group intended to conduct a hunger strike until the export of the bus was allowed. The director of the Customs Service in Laredo assured the group in writing that the group members would not be arrested and their vehicle would be released if the group did not attempt to export it in violation of applicable laws. The US Customs Service provided water to the group and offered the services of emergency medical personnel. The offers to leave the compound or be examined by medical personnel were declined.

On 30 July, the US Customs Service placed a portable toilet facility next to the bus. The group was visited by personal physicians, attorneys and friends. All reported that the group was fine.

On 31 July and 1 August, the Pastors for Peace were visited by friends, attorneys, medical personnel and representatives of the media.

On 2 August, the US Customs sent a US Public Health Service team to the bus to advise the Pastors for Peace of the dangers of heat stroke and heat exhaustion, and the importance of proper nutrition.

On 3 August, the Pastors for Peace continued to receive visits from friends, attorneys, medical personnel and representatives of the media.

On 4 August, US Customs delivered a 400-gallon tank of water and two cases of ready-to-eat meals to the bus.

On 5 August, US Customs sent a chaplain and a psychiatrist to visit the group. The team reported that the Pastors for Peace were neither dehydrated nor malnourished. The Pastors for Peace rejected all encouragement to leave the US Customs export lot.

On 6 and 7 August, the Pastors for Peace continued to receive visits from friends, attorneys, medical personnel and representatives of the media.

On 8 August, 30 sympathizers of the Pastors for Peace joined the group on the bus for worship services. After the services, the sympathizers departed.

On 9 and 10 August, the Pastors for Peace continued to receive visits from friends, attorneys, medical personnel and representatives of the media.

On 11 August, 13 sympathizers of the Pastors for Peace were arrested and charged with obstructing a public passageway outside the Federal Building in Houston, Texas, some 470 kilometres from Laredo. On 13 August, they were released from custody after pleading guilty. No member of the group in Laredo has been arrested.

Between 11 and 15 August, the Pastors for Peace continued to receive visits from friends, attorneys, medical personnel and representatives of the media.

On 16 August, the US Treasury Department sent a letter to Reverend Walker, containing a completed application for a licence to export the bus to Cuba.

Reverend Walker responded to the letter on 17 August, saying the Pastors for Peace refused to recognize the need for an export licence and refused to sign the application. In his letter, Reverend Walker requested a meeting with Deputy Treasury Secretary Roger Altman.

On 18 August, the group continued to receive visits from friends, attorneys, medical personnel and representatives of the media.

On 19 August, Reverend Walker departed Laredo to meet in Washington with Treasury Department officials.

The situation remains as follows: Eight members of the Pastors for Peace remain on the bus; the others have departed of their own volition. Those who remain are visited each day, as the group has been during the entire period 29 July to the present, by friends, attorneys, medical personnel and members of the media. During the entire period the group has had access to food, water and sanitary facilities. There are no reports of ill health among the group, including Mr. Golokow. The offer to release the bus remains in place provided a pledge not to export it to Cuba is given; alternatively, an application to export it to Cuba may be submitted for consideration in accordance with United States law.

These facts demonstrate that there have been no violations of human rights in connection with this incident. Indeed, it has been characterized from the beginning by extraordinary measures by the Government of the United States to ensure and even assist, the group known as Pastors for Peace in the exercise of their right to peaceful protest. The group is not under arrest. They are free to go at any time. They face no penalty or other sanction. They retain their rights to freedom of expression and association, and all other human rights. They have been provided with food, water and medical care, and have access to legal representation and the media. The only

constraint whatsoever on their behaviour is the requirement that they comply with United States laws if they desire to export goods from the United States. A state's right to exercise authority over exports from its territory is recognized in international law.

I hope this information will be of use to you and the Sub-Commission. While it is unfortunate that this incident continues, the Government of the United States is committed to ensuring that Pastors for Peace have the fullest opportunity to exercise their human rights. We remain concerned for the well-being of the protestors and will continue to make available all services necessary for their health and protection.

(Signed): H. Clarke Rodgers, Jr.
Chargé d'affaires ad interim

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